



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

First Account and Report of Guardian

Age: 13 years		RHONDA L. (Mommer) SLATER, mother/guardian, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Accounting does not balance. Charges must equal Credits. 2. The only asset of the guardianship is a 8.87% interest in real property. The real property was originally inventoried at \$51,989.00. The property on hand lists the value of the real property at \$32,376.00. The accounting should reflect the real property at its carry value not the market value. The carry value of the property does not change. 3. Need Notice of Hearing. 4. Need proof of service of the Notice of Hearing on Sarah Ashleigh Mommer (minor). 5. Need Order. Local Rule 7.1.1F states a proposed order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office 10 days before the scheduled hearing, a continuance may be required.
		Account period: 4/4/06 – 12/31/12	
Cont. from		Accounting - ????	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$51,989.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$32,376.00	
<input type="checkbox"/>	Inventory	Guardian - waives	
<input type="checkbox"/>	PTC	Attorney - not requested.	
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Petitioner requests that:

1. The Court make an Order approving, allowing, and settling the first account and report of guardian.

Reviewed by: KT

Reviewed on: 3/5/13

Updates:

Recommendation:

File 1 - Mommer

Age: 17 years	PUBLIC GUARDIAN was appointed as Guardian of the Estate on 11/19/2009.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	The Second Account was for the account period ending 12/23/11 was approved on 4/9/12 with a property on hand of \$34,970.73.	If the Court agrees to the continuance this status hearing will be continued to Friday, December 13, 2013 at 9:00 a.m. in Dept. 303.
Aff.Sub.Wit.		
Verified	This status hearing was set for the filing of the final accounting.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Status Report filed 1/30/13 states at the hearing on the second account, Attorney Kruthers mistakenly believed that the minor would turn 18 in 2012. She will actually not be 18 until October 2013. Because the next account period would not end until December 2013; and because the minor will turn 18 before that and be eligible to receive her money, the Public Guardian requests this status hearing be continued to a date in December 2013.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		Reviewed on: 3/5/13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 2 - Bratton

(1) Petition for Final Distribution on Waiver of Accounting and (2) for Allowance of Statutory (Prob. C. 10400-10406, 10954, 11600-11642)

DOD: 07/23/10		MICHAEL TARASEVIC , Executor, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
				CONTINUED MULTIPLE TIMES	
		I & A - \$135,867.00		Minute Order from 11/09/12 states: Counsel informs the Court that they will be selling the house and liquidating. In addition, they will be paying the creditor.	
		POH - \$135,867.00		Minute Order from 10/05/12 states: Counsel informs Court that the waivers were filed today. She further advises that a letter was sent to the Franchise Tax Board in March.	
Cont. from 112811, 022712, 040912, 080712, 100512, 110912, 021113		Executor - waives		See Page 3B for Report of Sale and Petition for Order Confirming Sale of Real Property.	
	Aff.Sub.Wit.	Distribution, pursuant to decedent's Will, is to:		As of 03/04/13, nothing further has been filed and the following issues remain:	
✓	Verified	Michael Tarasevic - \$58.50 cash, plus ½ interest in real property and ½ interest in a 1977 truck		1. The Petition states that all debts of the decedent have been paid, however, a Creditor's Claim in the amount of \$52,340.63 was filed by California Business Bureau for Community Medical Center on 11/02/10. The Petition states that no action has been taken on this claim at this time, therefore this debt has not been resolved. An Allowance or Rejection of Creditor's Claim was filed on 06/04/12 allowing the claim in the amount of \$24,689.09. Nothing further has been filed regarding this outstanding debt. <u>Distribution of estate assets cannot be made until all debts of the estate have been resolved.</u>	
✓	Inventory	Anthony Tarasevic - \$58.50 cash, plus ½ interest in real property and ½ interest in a 1977 truck			
✓	PTC				
✓	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	w/			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters	11/30/10			
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
✓	9202				
✓	Order				
	Aff. Posting			Reviewed by: JF	
	Status Rpt			Reviewed on: 03/04/13	
	UCCJEA			Updates:	
	Citation			Recommendation:	
✓	FTB Notice			File 3A - Tarasevic	

Report of Sale and Petition for Order Confirming Sale of Real Property

DOD: 07/23/10	MICHAEL JAMES TARASEVIC , Executor, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
	Sale price - \$116,000.00		<u>CONTINUED FROM 02/11/13</u> As of 03/04/13, nothing further has been filed and the following comments remain: 1. Petitioner calculation of the overbid amount appears to be incorrect. The Examiner calculates the correct overbid amount to be \$122,300.00. 2. The petition states that the property was reappraised for sale with a value of \$118,000.00; however, no Inventory & Appraisal (Reappraisal for Sale) has been filed confirming the reappraisal amount. Need Revised Inventory & Appraisal.
	Overbid - \$122,750.00		
	Reappraisal - \$118,000.00		
Cont. from 021113	Property - 3522 W. Dayton Fresno, CA 93722		
<input type="checkbox"/> Aff.Sub.Wit.	Publication - The Business Journal		
<input checked="" type="checkbox"/> Verified	Buyers - Michael R. and Susan F. McClure		
<input type="checkbox"/> Inventory x	Broker - \$6,960.00 (3% to Kent Oliver, Valley Partners and 3% to Ann M. Lee, Universal Lending & Realty)		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail w/			Reviewed by: JF Reviewed on: 03/04/13 Updates: Recommendation: File 3B - Tarasevic
<input checked="" type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input checked="" type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCC/JEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

3B

Atty Bagdasarian, Gary G. (for Petitioner Ronald J. Bryant, Conservator)
 Atty Wright, Janet L. (Court-appointed for Conservatee)

**First Account Current and Report of Conservator; Petition for Allowance of
 Conservator and Attorney's Fees; and for Reimbursement of Costs to Attorney
 (Probate code 2620, 2623 & 2640)**

DOD: 1/31/2013		RONALD J. BRYANT , son and Conservator of the Person and Estate appointed 12/14/2011, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 2/11/2013. Minute Order states the Court is informed that Ms. Bryant passed away on 1/31/2013. Matter continued to 3/11/2013. Note: Court will set status hearing as follows: • Friday, April 26, 2013 at 9:00 a.m. in Dept. 303 for filing of the final account and termination of proceedings for the deceased Conservatee. Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.
		Account period: 12/14/2011 - 11/13/2012	
Cont. from 021113		Accounting - \$55,812.73	
	Aff.Sub.Wit.	Beginning POH - \$37,600.00	
✓	Verified	Ending POH - \$51,617.35 (\$51,517.35 is cash)	
✓	Inventory	Conservator - \$139.50 (per itemizations on Exhibits A, B, C, D, E; for 9.30 hours @ \$15/hour)	
	PTC	Attorney - \$17,125.00 (per Declaration filed 1/3/2013, itemized on Exhibits A, B, C, D, E; for 68.50 hours @ \$250/hour)	
	Not.Cred.	Attorney Costs - \$1,385.00 (filing fees, publication for sale, process server)	
✓	Notice of Hrg	Petitioner states:	
✓	Aff.Mail W/	<ul style="list-style-type: none"> Conservatee was a Defendant in an inter-pleader action (Case 10CECL12525) in which \$18,208.42 in undistributed surplus proceeds of a Trustee's sale were deposited with the Court, and following the Attorney's submission of a claim and attendance at hearing, the Court ordered after the judicial foreclosure that the surplus funds be distributed to the Conservatorship estate. Conservatee inherited a 1/4 interest in real property in Santa Maria, and following Order Confirming Sale of Real Property issued 9/25/2012, sale was consummated and proceeds of \$36,491.12 were deposited into the Conservatorship estate's blocked account. 	
	Aff.Pub.	~Please see additional page~	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	2620		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 3/4/13
			Updates:
			Recommendation:
			File 4 – Bryant

Petitioner requests the following amounts be paid from the blocked account:

1. **\$400.00** to Court Investigator's Department (*refer to Exhibit A*); and
2. **\$100.00** to George Montgomery for preparation of the accounting (*refer to Exhibit B*).

Note: Ex Parte Order for Withdrawal of Funds from Blocked Account filed 2/22/2013 authorizes **\$3,215.36** to be withdrawn from the Conservatorship account for payment to Santa Maria Cemetery for burial expenses.

Note: Notice to Director of Health Care Services under Probate Code §§ 215 and 9202 was filed 2/25/2013.

Motion for Clarification of Order

Age: 85		BENJAMIN H. SMITH , Conservatee, is Petitioner. Petitioner states: 1. Under the Advanced Health Care Directive of Benjamin H. Smith ("Ben"), dated 06/17/11, Michael H. Smith, Jr. ("Butch") was designated as Ben's agent. Butch is Ben's grandson. 2. Butch had accepted his appointment as Ben's agent and had been so acting. 3. As a result of a petition for conservatorship of Ben's person and estate filed by Michael H. Smith, Sr. ("Mike") and Jenna R. Smith ("Jenna"), this court issued a minute order on 01/18/13 and a written order on 02/13/13. The order appoints the Fresno County Public Guardian as conservator of the person and estate of Ben. 4. Since 01/18/13, the Public Guardian and its legal counsel have insisted that the Public Guardian has exclusive authority to make health care decisions for Ben even though Ben named Butch as his agent under the Advanced Health Care Directive. Butch contends that as Ben's agent, he has priority under Probate Code § 4685 over any other person, including the conservator of Ben's person in making health care decisions for Ben. 5. Probate Code § 4685 provides as follows: Unless the power of attorney for health care provides otherwise, the agent designated in the power of attorney who is known to the health care provider to be reasonably available and willing to make health care decisions has priority over any other person in making health care decisions for the principal. <p style="text-align: center;">Continued on Page 2</p>	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: JF Reviewed on: 03/05/13 Updates: Recommendation: File 5 - Smith		

6. The Law Revision Commission Comments for the 1999 addition to Probate Code § 4685 provides in relevant part, "This section gives the agent the priority over others, including a conservator or statutory surrogate, to make health care decisions if the agent is known to the health care provider to be available and willing to act." The Comments also state that the rule of Section 4685 is subject to a contrary court order under Probate Code § 4766.
7. Probate Code § 4766(d) provides that a petition may be filed seeking an order declaring that the authority of an agent is terminated upon a determination by the court of both of the following:
 - (1) The agent...has violated, has failed to perform, or is unfit to perform, the duty under an advance health care directive to act consistent with the patient's desires or, where the patient's desires are unknown or unclear, is acting (by action or inaction) in the manner that is clearly contrary to the patient's best interest.
 - (2) At the time of the determination by the court, the patient lacks a capacity to execute or revoke an Advance Health Care Directive...Notice of the time and place of the hearing, together with a copy of the petition, must be served on the agent (Pr. C § 4769).
8. No § 4766 petition has been filed relating to Ben's advance health care directive, no notice of a request to terminate the agent's authority was given to Butch and the required findings were not made by the court.
9. Absent a court order under § 4766, the commentators mimic the rule stated in the Law Revision Commission Comments. "If a valid power of attorney for health care is in effect, unless the power or attorney provides otherwise, the agent under that power has priority over any other person in making health care decisions for the principal, including a conservator of the person, even if given medical consent powers." 1 *California Conservatorship Practice* (CEB 2012) Section 13.27.

The agent named in the power of attorney for health care (PAHC) has priority over all others, including the conservator, to act for the principal in all matters relating to health care decisions.... California legislatures have recognized that decisions about one's medical care are highly personal and should not be compromised. This policy decision is reflected in the high priority given to an agent for a PAHC by the Probate Court.

California Powers of Attorney and Health Care Directives (CEB 2012) Section 2.29. "Unlike an agent under a [durable power of attorney], an agent under a PAHC has priority over the conservator of the person in making health care decisions when both the conservatorship exists and a PAHC has been executed." *Ibid.* at § 7.47.
10. The Public Guardian contends that its authority as conservator of the person trumps Butch's authority under the Advanced Health Care Directive, based on this court's order at the 01/18/13 hearing. However, at that time, there was no petition pending under Section 4766.
11. Attorney Jaech believes that Butch has been acting as Ben's agent in Ben's best interest. Because of his love and concern for, and experience with, his grandfather, Mr. Jaech believes he is better suited to make health care decisions for him than the Public Guardian.

Therefore, to resolve this conflict between the agent and the conservator of the person, it is requested that the court clarify its orders to state that the agent under the Advanced Health Care Directive has priority to make health care decisions, unless and until a successful petition is brought under Probate Code § 4766, and a court order to the contrary is issued.

Atty Macias, Alexandra (pro per – paternal aunt/Petitioner)

Atty Neumann, Dallas (for Kristina Knobloch – mother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 2	<u>TEMPORARY EXPIRES 03/11/13</u>	NEEDS/PROBLEMS/COMMENTS:
	ALEXANDRA MACIAS , paternal aunt, is Petitioner.	<u>CONTINUED FROM 12/05/12</u>
	Father: PHILLIP JIMENEZ	Minute Order from 12/05/12 states: Matter continued to 03/11/13. The temporary is extended to 03/11/13. Counsel informs the Court that mother is willing to test randomly at the request of the guardian and will also pay for the expenses of testing. The Court orders testing as agreed upon by the parties. The Court directs counsel to prepare an order and include the visitation that was agreed upon.
Cont. from 120512	Mother: KRISTINA KNOBLOCH – personally served on 11/30/12	As of 03/05/13, the following items remain:
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandfather: NOT LISTED	1. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian or Consent & Waiver of Notice or Declaration of Due Diligence</i> for:
<input checked="" type="checkbox"/> Verified	Paternal grandmother: AMANDA CULVER – served by mail on 11/29/12	- Phillip Jimenez (father)
<input type="checkbox"/> Inventory	Maternal grandfather: NOT LISTED	2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian or Consent & Waiver of Notice or Declaration of Due Diligence</i> for:
<input type="checkbox"/> PTC	Maternal grandmother: TERRI JOHNSON – served by mail on 11/29/12	- Paternal grandfather
<input type="checkbox"/> Not.Cred.	Petitioner alleges that both parents have substance abuse issues. The mother is in recovery at this time, but guardianship is needed to ensure Gracie's safety and stability.	- Maternal grandfather
<input checked="" type="checkbox"/> Notice of Hrg	Court Investigator Samantha Henson filed a report on 11/27/12.	
<input checked="" type="checkbox"/> Aff.Mail	Continued on Page 2	
<input type="checkbox"/> Aff.Pub.		Reviewed by: JF
<input type="checkbox"/> Sp.Ntc.		Reviewed on: 03/05/13
<input checked="" type="checkbox"/> Pers.Serv.		Updates:
<input checked="" type="checkbox"/> Conf. Screen		Recommendation:
<input checked="" type="checkbox"/> Letters		File 6 - Jimenez
<input checked="" type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Declaration of Mother, Kristina Knobloch, in Opposition to Petition for Appointment of Guardian filed 11/26/12 states: She has completed a six-month outpatient drug rehab program and continues to voluntarily participate in classes with the rehab program and attend AA/NA meetings. She is also attending a DUI program that was court ordered as a result of DUI's she received in 2006. She further states that she has a two bedroom apartment and the second bedroom is set up for Gracie. She states that she is a wonderful mother and that Gracie is very bonded to her. She states that she and the father are no longer in a romantic relationship, but they have maintained an amicable relationship for Gracie's sake. Also, she and the guardian are very civilized with each other and have been working together regarding visitation. She requests that the general guardianship be denied.

Petitioner's Response to Kristina Knobloch's Declaration in Opposition to Guardianship filed 12/04/12 states: she is very happy that Kristina appears to be clean & sober and doing well, however, she still has concerns due to her long history of treatment and subsequent relapse. Petitioner also is concerned that Kristina last drug tested on 06/11/12 and requests that the court order a more current drug test in order to ensure her sobriety.

Further, Petitioner states that Gracie has lived with her for the past 11 months and they are very bonded. Gracie calls Petitioner mom and to Gracie, the Petitioner is another mom. Petitioner states that she does not believe it is in Gracie's best interest to live with her mother full-time. Petitioner states that she has always had Gracie's best interest at heart. If the court decides not to grant the guardianship, Petitioner asks the court to consider a transition period so that Gracie has time to properly adjust to new living arrangements. Further, when the transition is complete, Petitioner requests that she have visitation 2 weekends per month. Lastly, Petitioner states that she feels that the most important word has been left out of the court documents and that is love. Petitioner states that she loves Gracie and Gracie loves her. Petitioner wants what is best for Gracie and she is extremely concerned about her long-term care. All Petitioner wants is for Gracie to be safe and loved.

Petitioner states, continued:

- On 12/9/2002, Arthur disclaimed all right, title and interest in the assets allocated to the **DISCLAIMER TRUST** (copy of disclaimer attached as Exhibit D);
- Pursuant to the disclaimer, the assets allocated to the **DISCLAIMER TRUST** included "All stock and other securities (community property) of the Alexander Family Trust." Said stock and other securities included a Charles Schwab account and a UBS Financial Corp. account;
- On 11/9/2011, Arthur borrowed by margin loan **\$150,000.00** from the UBS Financial Corp account, and **\$190,327.95** from the Charles Schwab account, and said amounts were transferred to Stewart Title (copy of statements showing margin loans attached as Exhibit E);
- On 11/10/2011, Arthur and **KENNETH A. ALEXANDER**, son, and **SUZANNE M. ALEXANDER**, [daughter-in-law], purchased real property located on Mar Vista Drive in Monterey, California, for **\$375,000.00**, with escrow on the sale through Stewart Title, using the margin loan funds of **\$150,000.00** from the UBS and **\$190,327.95** from the Charles Schwab accounts toward the purchase of the property (copy of Buyer's Final Closing Statement attached as Exhibit F);
- A Grant Deed for the real property was recorded on 11/10/2011 in Monterey County Recorder's Office which vests title to: "Arthur M. Alexander, Trustee of the Alexander Family 1998 Revocable Trust UDT 12/17/1998 as to an undivided 50% interest and Kenneth A. Alexander and Suzanne M. Alexander, husband and wife as to an undivided 50% interest, all as tenants in common." (copy of Grant Deed attached as Exhibit G);
- Petitioner believes the remaining **\$37,500.00** was paid by Arthur, Trustee, and there is no mortgage lien or encumbrance against the real property; an appraisal of the real property located on Mar Vista Drive as of 5/21/2012 valued the real property at **\$480,000.00**;
- From the date of the margin loans on 11/9/2011 through 10/31/2012, the **DISCLAIMER TRUST** has paid interest to UBS Financial Corp. in the amount of **\$7,700.00** and to Charles Schwab in the amount of **\$12,787.75**; the **DISCLAIMER TRUST** will continue to pay interest on the margin loans until they are repaid;
- Petitioner believes that the real property on Mar Vista Drive is currently used as rental property, and that Kenneth A. Alexander has collected all rental proceeds in an amount in excess of **\$20,000.00** (copy of Residential Lease Agreement for real property located at 549 Mar Vista, Monterey naming Kenneth A. Alexander and Suzanne M. Alexander as landlords attached as Exhibit H);
- Kenneth has not used any of the income from the rental property to repay the margin loans used for the purchase of said real property;
- It is necessary to confirm the **DISCLAIMER TRUST's** interest in the real property since the ownership of the real property is claimed by the **SURVIVOR'S TRUST** [aka Alexander Family 1998 Revocable Trust] and Kenneth A. Alexander and Suzanne M. Alexander;
- **Petitioner requests** an order from this Court pursuant to Probate Code § 850(a)(2)(c) [see 850(a)(3)(B)] for confirmation of the Trust's ownership of the real property on Mar Vista Drive in Monterey, and requests that an equitable lien for the value of the margin loans, interest paid, as well as accruing interest, be placed against the real property, and in addition, that the real property be immediately sold and that said equitable lien be paid from the sale proceeds.

Petitioner prays for a Court order:

1. Confirming the **DISCLAIMER TRUST's** interest in the real property on Mar Vista Drive in Monterey, including but not limited to the amounts of the margin loans used for the purchase of the real property, and interest paid and accruing interest on margin loans; and
2. Directing the immediate sale of the real property on Mar Vista Drive in Monterey, and that the equitable lien to be placed by the Court be paid from the sale proceeds to the Petitioner, as Successor Trustee of the **DISCLAIMER TRUST**, prior to any other reimbursements that may be claimed for the real property.

**Resignation and Declination of Successor Trustees to Serve, Nominations of
Successor Trustee and Petition for Appointment of Successor Trustee [Prob. C.
17200(b)]**

		ART PEARSON , Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states the Trustor and original trustee Antonia C. Orosco died on 11-23-11. The sole asset of the trust is the Trustor's residence at 4529 E. Inyo in Fresno County.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		The named successor trustee Anastacio C. Navarro declined to serve, and the alternate named successor trustee Isabel Navarro has served from the date of the trustee's death until she executed a resignation on 8-7-12.	
		There is now a vacancy in the office of trusteeship. The trust provides that in the event of vacancy, trustee shall be appointed by a majority of adult beneficiaries.	
		The first amendment provides that upon the Trustor's death, the trust is to terminate and assets distribute 1/3 to Art Pearson and Mary Pearson, or the survivor (Art Pearson is the survivor), 1/3 to Anastacio C. Navarro and Isabel Navarro, and 1/3 to John Navarro.	
		All beneficiaries nominate Petitioner as successor trustee and waive bond. Petitioner consents to serve as successor trustee.	
		Petitioner prays for orders that:	
		1. The Court accept the declination of Anastacio C. Navarro and the resignation of Isabel Navarro as Successor Trustee;	
		2. The Court appoint Art Person as Successor Trustee without bond; and	
		3. Such further orders as the Court considers proper.	
			Reviewed by: skc
			Reviewed on: 3-5-13
			Updates:
			Recommendation:
			File 8 - Orosco

			ANTHONY P. COELHO III, KRISTEN M. SUSOEV and LESLIE C. WALTERS, children/named co-executors without bond, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
Cont. from				
	Aff.Sub.Wit.	s/p	Full IAEA – o.k.	
✓	Verified			
	Inventory		Will dated: 11/16/1999	Note: If the petition is granted status hearings will be set as follows: • Friday, 08/09/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 05/09/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	PTC			
	Not.Cred.			
✓	Notice of Hrg		Residence: Fresno Publication: The Business Journal	
✓	Aff.Mail			
✓	Aff.Pub.	w/	Estimated value of the Estate: Real Property - \$560,000.00	
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen		Probate Referee: Steven Diebert	
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: LV
				Reviewed on: 03/05/2013
				Updates:
				Recommendation: Submitted
				File 9 - Coehlo

Ex Parte Petition for Visitation

Noah, age 8		
Christian, age 3		
Jacob, age 2		
	Aff.Sub.Wit.	
✓	Verified	
Inventory		
PTC		
Not.Cred.		
✓	Notice of Hrg	
✓	Aff.Mail	w
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

YEE VANG, Father, is Petitioner.

CHUE VANG CARRASCO and OCTAVIO CARRASCO, Paternal Aunt and Uncle, were appointed Guardians of Noah (8) on 1-30-12.

CYNTHIA and TERRY MOUA, Maternal Grandparents, were appointed Guardians of Christian (3) and Jacob (2) on 7-12-12.

Petitioner states he was released from jail because of overcrowding and he does not know how long he will be out. He would like to visit with his children and maintain a relationship with them. His family has court ordered visits on the 2nd and 4th weekend of the month and he would love to see his children during those times.

Petitioner submitted a proposed Order that provides that Yee Vang be allowed to visit with the three children every 2nd and 4th weekend while under the supervision of the paternal family. Noah (8) has expressed that he misses his father and wants him and his brothers to be able to visit with him. As guardians, we support Noah's wishes and will allow him safe and productive visitations. We understand that guardianship is temporary and reunification is the ultimate goal. Therefore, it is important that the children maintain a relationship with their father. We also support any positive effort Yee Vang may take to rebuild his relationship with his children.

NEEDS/PROBLEMS/COMMENTS:

Note: As described in Father's petition, the most recent visitation order made on 7-12-12 provides that Christian and Jacob, who reside with maternal grandparents Cynthia and Terry Moua, shall visit with the Carrascos (paternal aunt and uncle and guardians of Noah) on the 2nd and 4th weekends.

Note: Although a proposed order was provided, the Court may wish to use minute order only for visitation.

Reviewed by: skc
Reviewed on: 3-5-13
Updates:
Recommendation:
File 10 - Vang

Atty Gonzales, Monique Marie (pro per Guardian/paternal aunt)

Atty Gonzales, Angel III (pro per Petitioner/father)

Petition for Termination of Guardianship

Age: 3 years		ANGEL GONZALES, III, father, is petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		MONIQUE GONZALES, paternal aunt, was appointed guardian on 1/30/2012 – consents and waives notice.		This petition is as to <u>ANGELINA GONZALES</u> only.	
Cont. from 012813		Mother: MIRANDA HIJAREDA – served by mail on 1/7/13		Continued from 1/28/13. Minute Order states Court advises both parties to give new addresses and phone numbers to the clerk's office.	
	Aff.Sub.Wit.				
✓	Verified			1. Petition is incomplete.	
	Inventory				
	PTC			a. It does not state why terminating the guardianship is in the best interest of the minor (#5 of the petition)	
	Not.Cred.				
✓	Notice of Hrg			b. Does not list the names and current addresses of the relatives of the minor (#9 of the petition).	
✓	Aff.Mail	W/			
	Aff.Pub.			Petitioner states ???	
	Sp.Ntc.				
	Pers.Serv.			Court Investigator Julie Negrete's Report filed 2/28/13	
	Conf. Screen				
	Letters			Reviewed by: KT	
	Duties/Supp				
	Objections			Reviewed on: 3/5/13	
	Video Receipt				
✓	CI Report			Updates:	
	9202				
✓	Order			Recommendation:	
	Aff. Posting				
	Status Rpt			File 12 - Gonzales	
	UCCJEA				
	Citation				
	FTB Notice				

DOD: 1-15-09		JOE HOGG , Son, is Petitioner and requests appointment as Administrator and as Special Administrator with Full IAEA and with bond of \$130,000.00. Full IAEA – need publication Decedent died intestate Residence: Fresno Publication: need publication Estimated value of estate: Personal property: \$130,000.00 Probate referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>CONTINUED TO 4-11-13</u> Per petitioner request</p> <ol style="list-style-type: none"> 1. Need clarification: Petitioner includes a request for Special Administration, but with general powers, and does not clarify the purpose of the proposed special administration. 2. Petitioner does not state the relationships of the persons listed at #8 to the decedent. 3. Need date of death of the decedent's deceased spouse (Local Rule 7.1.1.D). 4. Need Confidential Supplement to Duties (DE-147S). 5. Need Notice of Petition to Administer Estate (DE-121). 6. Need proof of service of Notice of Petition to Administer Estate on relatives listed in #8 at least 15 days prior to the hearing per Probate Code §8110. 7. Need publication per Probate Code §8120. The publication should include the powers requested (such as IAEA language).
Cont. from 020413			
<input type="checkbox"/>	Aff.Sub.Wit.		
✓	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
✓	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: skc
Reviewed on: 3-5-13
Updates:
Recommendation:
File 13 - Crenshaw

Atty Mendoza, Jovita (Pro Per – Petitioner – Maternal Grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Cesar, 9	TEMPORARY EXPIRES 03/11/13		NEEDS/PROBLEMS/COMMENTS: 1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice for: <ul style="list-style-type: none"> Paternal Grandparents (Unknown) – Unless the Court dispenses with notice. Note: Declaration of Due Diligence filed 01/31/2013 states that the petitioner has never met the paternal grandparents nor does she know their names and therefore she is unable to locate someone whose name is unknown to her.
Joshua, 6			
Brian, 5			
Luis, 2			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			

JOVITA MENDOZA, maternal grandmother, is Petitioner.

Father: **CESAR GUZMAN AYALA** – Court dispensed with further notice pursuant to Minute Order dated 01/22/2013.

Mother: **ELIZABETH MENDOZA** – Consent & Waiver of Notice filed 01/07/13

Paternal grandparents: UNKNOWN, Declaration of Due Diligence filed 01/31/2013

Maternal grandfather: LUIS MENDOZA, served by mail on 01/30/2013

Petitioner alleges that the children's father has been deported to Mexico due to domestic violence and the mother is in rehab. Petitioner states that temporary guardianship is necessary because Joshua's social security benefits have been stopped and won't resume until she is appointed guardian of him. Petitioner states that Joshua is in school and his social security income is needed to pay for his clothing and necessities. Further, Petitioner states that temporary guardianship is needed so that she can attend to the children's medical and school needs.

Court Investigator Jennifer Daniel's report filed 02/27/2013.

Reviewed by: LV
Reviewed on: 03/05/2013
Updates:
Recommendation:
File 14 - Guzman

Age: 19		<p>TEMPORARY DISMISSED 2-1-13 per request by Petitioner</p> <p>DONNA MCDOWELL, Adoptive Mother, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.</p> <p>Voting rights affected</p> <p>A Capacity Declaration was filed 1-31-13.</p> <p>Petitioner states Keyanna is severely disabled. She is unable to walk or talk. She has been under Petitioner's care as her mother since she was an infant.</p> <p>Court Investigator Jennifer Young filed a report on 3-4-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 2-25-13</p> <p>Voting rights affected</p> <ul style="list-style-type: none"> - Need minute order <p>1. The Court may require clarification regarding whether the siblings listed at #11 of the petition require notice pursuant to Probate Code §1822.</p> <p>(If the siblings listed are from the birth mother, notice is not required, as that relationship has been terminated.)</p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 3-5-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 - McDowell</p>		

Pro Per Riddlesprigger, Paulette Royetta (Pro Per Petitioner)

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 2/6/2010	PAULETTE ROYETTA RIDDLESPRIGGER , surviving spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. <i>Proof of Service by Mail</i> of the <i>Notice of Hearing</i> filed 3/4/2013 shows notice was mailed on 3/1/2013, giving only 10 days' notice of hearing rather than 15 days as required by Probate Code §§ 13655 and 1220. 2. Item 9 of the <i>Petition</i> does not indicate the relationships to Decedent of the persons listed, as follows: <ul style="list-style-type: none"> • Gary Riddlesprigger; • Lynn Riddlesprigger (<i>Note: Notice lists Lynn Locke, who may be the same person, but not indicated</i>); • Dawn Riddlesprigger; • Maisha Riddlesprigger. 3. Item 4(c) of the <i>Petition</i> is incomplete re: whether Decedent died intestate or testate, and if testate, a copy of Decedent's Will must be attached to the <i>Petition</i> . 4. Need <i>Attachment 7</i> to the <i>Petition</i> describing facts upon which the Petitioner bases the allegation that the property should be determined as passing to the Petitioner as the surviving spouse of Decedent. 5. Need <i>Attachment 5a</i> to the proposed order describing the real property passing to the Petitioner. Note: <i>Petition</i> does not contain <i>Attachment 7(a)</i> containing the legal description of the real property; however, an <i>Affidavit – Death of Joint Tenant</i> dated 8/31/2012 is attached which contains the legal description, and has been reviewed as part of this <i>Petition</i> in lieu of a separate <i>Attachment 7(a)</i> .
	No other proceedings.	
Cont. from		
<input type="checkbox"/> Aff.Sub.W		
<input checked="" type="checkbox"/> Verified	Testate OR intestate?	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner states no facts upon which she bases the allegation that the property should be determined as passing to her.	
<input checked="" type="checkbox"/> Aff.Mail	W /	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Petitioner requests Court determination that a ½ interest in real property located at 644 Fresno Street, Fresno , passes to her.	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/S		
<input type="checkbox"/> Objectn		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Post		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notic		
		Reviewed by: LEG
		Reviewed on: 3/5/13
		Updates:
		Recommendation:
		File 17 - Riddlesprigger

(1) Petition for Settlement on Waiver of Account and (2) Petition for Final Distribution and for (3) Allowance of Compensation for Ordinary Services

DOD: 7-23-12		DAVID RONALD SPENCER and SUZANNE SPENCER MACINNIS , Co-Executors, are Petitioners. Accounting is waived. I&A: \$212,000.00 POH: \$195,088.40 (cash) Executors (Statutory): Waived Attorney (Statutory): \$7,240.00 Distribution pursuant to Decedent's will: David Ronald Spencer: \$93,924.20 Suzanne Spencer MacInnis: \$93,924.20	NEEDS/PROBLEMS/COMMENTS:	
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			9-12-12
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			
			Reviewed by: skc Reviewed on: 3-5-13 Updates: Recommendation: SUBMITTED File 18 - Spencer	